



PRESENT:

Dr. Edgar V. Wallin, Chairman
Mr. J. Dale Patton, Vice-Chairman
Dr. William P. Brown
Mr. Russell J. Gulley
Mr. Reuben J. Waller, Jr.
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department

ALSO PRESENT:

Mr. Robert Eanes, Assistant to the County Administrator,
Community Development
Mr. William D. Dupler, Deputy County Administrator,
County Administration
Mr. Kirkland A. Turner, Director
Planning Department
Mr. Glenn Larson, Assistant Director,
Plans and Information Section, Planning Department
Mr. Steven F. Haasch, Planning Manager,
Plans and Information Section, Planning Department
Ms. Bonnie L. Perdue, Clerk to the Commission,
Plans and Information Section, Planning Department
Dr. David Pritchard, Special Projects Manager,
County Administration
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Greg Allen, Planning Manager,
Development Review Section, Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Ray Cash, Senior Planner,
Development Review Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Development Review Section, Planning Department

Mr. Jesse Smith, Director,
Transportation Department
Mr. Scott Smedley, Director
Environmental Engineering Department
Mr. Carl D. Schlaudt, Planning Manager,
Community Development
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department
Mr. James Bowling, Principal Planner,
Plans and Information Section, Planning Department
Ms. Mary Ann Curtin, Director,
Intergovernmental Relations

ASSEMBLY AND WORK SESSION.

Messrs. Wallin, Patton, Brown, Gulley and Waller and staff assembled at 2:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission amended the agenda to be reordered as follows:

- Move Item VIII (14PJ0157) Water Supply Improvements to the August 19, 2014 Work Session.
- Move Item XI (14PJ0130) Infill Development Study, to the last item before the dinner break.
- To add a discussion item relative to fees as Item X, to come before (14PJ0140) Code Amendment Relative to Planning Department Fees for FY 2015.

The reordered agenda was approved as follows:

- I. Call to Order.
- II. Requests to Postpone Action, Emergency Additions, and Changes in the Order of Presentation.
- III. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- IV. Review Day's Agenda. (Any items listed for the 6:00 p.m. Sessions.)
- V. Work Program – Review and Update.
- VI. Planning Commission Follow-Up Items List.
- VII. (14PJ0156) County Staff Presentation: General Assembly 2014 Session.
- VIII. (14PJ0160) Discussion Regarding Staff Report Format and Content.
- IX. (13PJ0122) Revitalization Strategy.
- X. Discussion relative to Planning Commission and fees.

- XI. (14PJ0140) Code Amendment Relative to Planning Department Fees for FY 2015,
- XII. (14PJ0130) Infill Development Study.
- XIII. Dinner Break.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

The Commission recessed briefly at 2:03 p.m.

The Commission reconvened at 2:12 p.m.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for August, September, October and November 2014.

IV. REVIEW DAY'S AGENDA.

Ms. Jane Peterson advised the Commission of the ten (10) cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE.

In response to a question from Mr. Waller relative to when Tower Siting would be presented, Mr. Tompkins responded it was scheduled for the August 19, 2014 agenda topics.

Mr. Tompkins stated staff is requesting the Commission initiate a zoning application for a consignment store at Chesterfield Meadows West. The district Commissioner is familiar with this matter and supports this request and the purpose is to resolve an oversight not of the owner's making.

Mr. Allen presented an overview to the Commission relative to Chesterfield Meadows West where a consignment store was allowed in error by Planning. The property is zoned C-5, but it actually only allows for B-1 uses with some B-2 and some B-3. Staff did not see the separate listing with second-hand stores with pawn brokers and allowed the consignment store. The ordinance today allows for a C-3 use for consignment stores.

Dr. Brown advised he viewed the store and it is consistent with other stores in the shopping center.

Mr. Robinson stated it is customary to waive disclosures when it is being initiated by the Commission and Mr. Allen stated it was his intention to have the disclosure waived. Mr. Robinson asked that it be part of the motion.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of the zoning application as described by staff, including waiving of disclosures.

Mr. Gulley advised if this was a private individual this would be acceptable but as this is a large company, waiving the disclosure was not advisable.

Dr. Brown withdrew the portion of the original motion pertaining to waiver of disclosure and Mr. Patton concurred with the withdrawal of the phrase.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of the zoning application as described by staff and including disclosures.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no questions or comments relative to the follow up list.

VII. (14PJ0156) COUNTY STAFF PRESENTATION: GENERAL ASSEMBLY 2014 SESSION.

Ms. Mary Ann Curtin presented an overview to the Commission relative to legislative changes from the Virginia General Assembly. The reduction of State funding for local government is of particular interest to the County as it impacts the budget.

In response to a question from Mr. Gulley relative to Preliminary Subdivision Plat, Ms. Curtin responded that this originated from a Northern Virginia situation.

In response to a question from Mr. Waller relative to policies coming from the Secretary of Transportation regarding funding for urban versus suburban uses, Ms. Curtin responded that funding has fallen short of the projections so both sides are feeling underfunded.

VIII. (14PJ0160) DISCUSSION REGARDING STAFF REPORT FORMAT AND CONTENT.

Ms. Jane Peterson presented a newly revised staff report format to the Commission. The goals of this new staff report are aimed at creating consistency throughout the report, offering a flexible, user-friendly format and offering a fresh, simplified approach toward the use of charts, maps and graphics. Ms. Peterson explained the new design and features, comparing and contrasting the original staff report with the new report and stated October 2014 is the anticipated roll-out date.

Mr. Gulley stated that if the schools could be made aware of projected subdivisions sooner, schools could respond faster to projected student increases by either building a new facility or redistricting.

Ms. Peterson confirmed that she plans to meet with the schools contact to review the new staff report to find out what kind of data can be provided to enhance the staff report and also help schools.

The Commission collectively complimented Ms. Peterson on the new design of the staff report.

IX. (13PJ0122) REVITALIZATION STRATEGY.

Dr. David Pritchard introduced the Revitalization Strategy presentation to the Commission.

Mr. Carl Schlaudt presented a general and high level overview of the Revitalization Strategy to the Commission. The project assignment for the Revitalization Strategy came out of the Comprehensive Plan which was adopted in October 2012. The assignment was to develop revitalization strategies countywide for both residential and commercial areas of the County. The second part of the assignment was to recommend an organizational administrative structure to deliver revitalization programs and services.

Staff met with citizens in public meetings to gain citizen input, looked at similar programs in other counties in a Best Practices review and held District meetings.

Mr. Bill Dupler surmised the presentation explaining that there are resources within the County to help meet the Revitalization Strategy. VDOT has a \$33M pavement restoration program planned for this calendar year followed by another \$18M the following calendar year. Public Investment Strategies will be aligned with current resources. Mr. Carmody has agreed to work together with Mr. Dupler to identify the available resources within the current FY budget and the future year budgets by examining the CIP, the CDBG program and other funding sources. Resource concentration will be focused on certain areas to maximize positive impacts. Building Inspections and Code Compliance will work together to refocus efforts and realign strategies, and Planning and Economic Development Revitalization staff will review the status of our current community partnerships to leverage efforts.

Mr. Dupler reviewed examples of revitalization success stories, including Crystal Lake Apartments. Here a partnership with the complex owner and county departments has yielded results such as lower crime rates and higher tenant occupancy. Mr. Dupler also reviewed activity at Meadowdale Shopping Center where a new Wal-Mart grocer is redeveloping a portion of that older shopping area. . These examples are the long term efforts that produce lasting results and are at the heart of what we want to accomplish with revitalization.

Dr. Brown expressed appreciation regarding the revitalization efforts made in the Dale Magisterial District.

Dr. Wallin expressed appreciation to Mr. Dupler for speaking to the Commission and he stated the presentation helped solidify how we view revitalization, letting us see how revitalization can happen using the resources the County has available.

Mr. Waller inquired about the cash proffer policy; the Gateway areas and what can be done to revive them. The current cash proffer policy states it is limited to enterprise or blighted zones. The proposed revisions for cash proffers mention the potential of Gateway areas. In response Mr. Dupler stated the Commission has the ability to decide about cash proffers and to move cases forward without the maximum cash proffers.

Dr. Wallin stated while the Board has made their decision on the cash proffer language, the Commission and the public still need clarification regarding the language.

Mr. Patton stated he appreciated the case study on the Crystal Lake Apartments.

Dr. Wallin requested that Mr. Dupler provide successful templates that the Commission can show to the public as success stories for revitalization. The templates should include an example from each of the three areas; residential, multi-family and commercial. He requested this information be presented at the September 2014 work session.

Dr. Wallin invited Chief Eanes to recognize the citizens that attended the Planning Commission Work Session to hear the Revitalization presentation. They represent the Jefferson Davis Association, Bensley Civic Association, the Amphill Civic Association, and the Sustain Our Communities Committee.

X. (14PJ0140) CODE AMENDMENT RELATIVE TO PLANNING DEPARTMENT FEES FOR FY15.

Mr. Rob Robinson advised the Commission there was an informational piece in their packet from Ms. Tara McGee that addressed the issue of the Planning Fees and the necessity of the Planning Commission to make recommendations regarding Planning Fees. During the break, he handed out two statutes from Title 15.2 of the Code of Virginia, the provisions that relate to zoning. The first statute 15.2-2286, permits Provisions and Zoning Ordinances, and under item 6 (six) language pertains to fees and how fees are decided. He noted Virginia is a Dillon Rule state which means that as a local government, we have the authority that the General Assembly gives to us. This is different from a Home Rule state, which has broader authority. The General Assembly gives us the ability to put fee provisions in the zoning ordinance in the statute 15.2-2286.

There was general discussion relative to zoning fees and the authority of the Planning Commission relative to deciding zoning fees.

Mr. Glenn Larson highlighted some new materials given to the Commission this evening since the June meeting. There are also letters from the Chesterfield Chamber of Commerce and the Home Builders Association of Richmond.

Mr. Craig Toalson, from the Home Builders Association of Richmond stated the home building industry is a long way from coming back and that HBAR does not support any additional fees.

Mr. Kevin McKnowlery, president of Lifestyle Builders, stated he does not support additional fees.

Dr. Brown stated the fees as proposed do not come close to covering the cost of reviewing zoning requests. He further stated that the Board considered all possible revenue sources and budget cuts and arrived at a decision that an additional \$300,000 in Planning fee revenue was the alternative and asked the Commission to find the best way to generate these fees.

Dr. Wallin stated at the 6:00 p.m. session this issue will be addressed and voted on accordingly.

XI. (14PJ0130) INFILL DEVELOPMENT STUDY.

Mr. Steve Haasch presented an overview to the Commission concerning the Infill Development Study and a draft definition of the area of applicability where Infill could be applied. Staff began this project in January of this year and the project has been supported by many community meetings and workshops. Staff has also received numerous emails from citizens weighing in on their issues/concerns with Infill Development. The public sentiment surrounds the impacts of Infill Development rather than the actual definition. The definition is two-fold as it relates to both commercial and residential areas. Staff would like to get the Commission's input today so the project can move forward and begin to offer direction to developers, officials and the community at large.

In response to a question from Mr. Gulley relative to revitalization in aging neighborhoods Mr. Jimmy Bowling responded that jurisdictions use infill for different purposes and sometimes within the same jurisdiction. He stated once infill is defined it can be used a tool to redirect growth, stabilize an existing neighborhood and more.

In response to a question from Dr. Wallin relative to how infill is defined, Mr. Bowling stated the age of improvements must be thirty-one (31) years or old or older, in residential areas that are twenty-

five (25) acres or less with improvements less than twenty-five (25) % of the assessed land value, be suggested for residential use and the perimeter of such parcels should adjoin developed parcels or those reserved for non-commercial uses. For commercial areas there is no size limitation, the parcels would have an assessed value for improvements of less than twenty-five (25) % of the assessed value of land and zoned for commercial use in communities identified as infill areas.

In response to a question from Mr. Robinson relative to the formatting of the definition, Mr. Bowling responded the format can be changed to accommodate the use whether it is used in the Plan or the Subdivision Ordinance.

Dr. Wallin recommended Mr. Bowling revisit the definitions and resubmit definitions to the Commission in simple, everyday language.

Mr. Gulley requested a map with road boundaries attached with the next presentation of Infill Development.

XII. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at 5:19 p.m., agreeing to meet in the Executive Meeting Room for dinner, and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

II. INVOCATION.

Dr. Brown presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Miss. Natalie Maher, Miss Marguerite Smith, Miss Anna Raimist, Mr. Owen Mattes and Mr. Josh Hinz, fifth grade students from Evergreen Elementary School, led the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Michael Tompkins apprised the Commission of the caseload agendas for August, September, October and November 2014.

V. APPROVAL OF PLANNING COMMISSION MINUTES.

- June 17, 2014 Minutes. 

Mr. Gulley stated regarding Case 14SN0578, he does not recall or see in the minutes why the motion was withdrawn on page 13 and would like to have that reason stated in the minutes.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer approval of the June 17, 2014 Planning Commission minutes until the August meeting.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VII. REVIEW MEETING PROCEDURES.

Mr. Mike Tompkins reviewed the meeting procedures.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. Doug Keadle and Mr. Roger Dick who live in the age-qualified community of Heron Point have a complaint against the community developer, Eagle Homes. The original plans call for a structure to be built on the peninsula near the walking trail. Eagle Homes has proposed a white vinyl gazebo which does not conform to the wooded organic feel of the community.

Dr. Wallin advised staff will coordinate a meeting with Eagle Homes and the community concerning the structure. Notices about the meeting will be mailed to the neighbors providing the date, time and place so all parties can weigh in.

IX. PUBLIC HEARING.

• **DEFERRAL REQUEST BY APPLICANT – REZONING.**

- A. 13SN0110***: In Matoaca Magisterial District, **Chesterfield DD, Inc.** requests rezoning from Residential Townhouse (R-TH) to Community Business (C-3) with conditional use to permit multifamily and townhouse residential uses plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 85.4 acres fronting 460 feet on the south line of Hull Street Road, across from Cosby Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre), Suburban Residential I use (maximum of 2.0 dwellings per acre) and Neighborhood Business uses. Tax IDs 717-669-2537; and 717-670-1030, 1751, 2877 and 8050.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 13SN0110 by Dr. Wallin, to the December 16, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Gulley the Commission resolved to defer Case 13SN0110 to the December 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- B. 13SN0132***: (AMENDED) In Dale Magisterial District, **Chesterfield Business Partners LLC and Kingsland Towncenter LLC** request amendment of conditional use (Cases 06SN0237 and 07SN0226) relative to reduction of cash proffers and amendment of zoning district map in a Community Business (C-3) District on 101 acres fronting the west line of Iron Bridge Road and the north and south lines of Kingsland Glen Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business and Industrial uses. Tax IDs 770-677-6585; 771-676-6355; 771-678-2064; 772-676-1473; and 772-677-3568.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 13SN0132 by Dr. Brown to the October 21, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton the Commission resolved to defer Case 13SN0132 to the October 21, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- C. 13SN0519***: (Amended) In Bermuda Magisterial District, **River's Bend East, LLC** requests amendment of zoning (04SN0197) to delete cash proffers and amendment of zoning district map in a Residential (R-12) District on 102.8 acres in various locations within the Meadowville Landing Subdivision. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests property is appropriate for Low Density Residential use (maximum of 1 dwelling per acre). Tax IDs 822-661-3043, 4694, 4969, 5346, 9039, 9171 and 9416; 822-662-5422, 7709, 7732 and 8838; 823-660-1465 and 2793; 823-661-0132, 0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 and 7971; 823-662-0923, 5888, 7911, 8124 and 9432; 824-661-0060, 0183, 1365, and 1492, 3482 and 4392; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 6957, 7345 and 8086; 824-663-2711, 4117, 6027, 7202, 7331 and 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 and 9097; 825-663-0139, 1214 and 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 and 6770; and 826-663-0301, 1603, 3002 and 4301.

Mr. Brennen Keene, the applicant's representative, accepted deferral of Case 13SN0519 by Mr. Patton to the September 16, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Waller, the Commission resolved to defer Case 13SN0519 to the September 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- D. **14SN0579***: In Bermuda Magisterial District, **Trine Properties LLC** requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and screening of mechanical equipment and amendment of zoning district map in a Community Business (C-3) District on 6.1 acres fronting 225 feet on the south line of Iron Bridge Road, 240 feet west of Branders Creek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax IDs 777-653-2931, 2949 and 4107.

The applicant's letter is on file accepting deferral of Case 14SN0579 by Mr. Patton to the September 16, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission resolved to defer Case 14SN0579 to the September 16, 2014 public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- F. **14SN0577**: In Dale Magisterial District, **Terraforge Ventures LLC** requests amendment of conditional use planned development (Case 05SN0219) relative to open space, recreation areas and focal point, cash proffers and quality standards and amendment of zoning district map in a Residential (R-12) District on 175.2 acres fronting 2400 feet on the east line of Conifer Road, 480 feet south of Bellbrook Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 784-675-1052; 784-676-4783, 5382 and 6098; 784-677-4902; 785-675-2669, 2976, 3080, 3771 and 3975; 785-676-2781; 2890 and 8097; and 785-677-2754, 3100, 3236, 3310, 3418, 3527, 3658 and 4240.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 14SN0577 by Dr. Brown to the October 21, 2014 public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to defer Case 14SN0577 to the October 21, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- **CONSENT ITEMS - CONDITIONAL USE PLANNED DEVELOPMENT AND REZONINGS.**

- G. 14SN0580:** In Bermuda Magisterial District, **Chesterfield County Board of Supervisors** proposes a conditional use planned development to permit a manufactured home and amendment of zoning district map in a Residential (R-7) District on .9 acre known as 2651 Velda Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Commercial use. Tax ID 794-666-2833.

On behalf of Mr. Kirk Turner, the applicant's representative, Ms. Jane Peterson accepted the conditions in the staff report.

Dr. Wallin opened the floor for public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Mr. Dr. Brown, the Commission resolved to recommend approval of Case 14SN0580 subject to the imposition of the following conditions.

CONDITIONS

1. Non-Transferable Ownership: This conditional use planned development approval shall be granted exclusively to Vicki Snead and Richard Miller, and shall not be transferable with the land. (P)
2. Occupancy: The property owner (Vicki Snead) and/or Richard Miller shall be the owner of the manufactured home. The property owner's nephew, Richard Miller, shall be the occupant of the manufactured home. (P)
3. Landscaping: A row of evergreen trees shall be planted and maintained along the rear property line, as shown on Exhibit A (dated June 12, 2014). These plantings shall be:
 - a. A minimum of thirty-six (36) inches tall at time of planting;
 - b. Planted ten (10) feet on center;
 - c. Installed within six (6) months from the approval date of this request. (P)
4. Building Additions and Foundation Skirting: No additional permanent-type living space may be added onto this manufactured home. This manufactured home shall be skirted, but shall not be placed on a permanent foundation. (P)

5. Removal of Manufactured Home: At such time that the manufactured home is vacated by Richard Miller, the manufactured home shall be removed from the property within twelve (12) months. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- I. **14SN0582:** In Bermuda Magisterial District, **CMA Properties, Inc.** requests amendment of zoning (Case 99SN0280) relative to access and amendment of zoning district map in a General Business (C-5) District on 4.2 acres fronting 545 feet on the east line of Ruffin Mill Road, 960 feet south of I-95. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 805-638-4331.

Mr. Pete Borches, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0582 and acceptance of the following proffered condition:

PROFFERED CONDITION

With the approval of this request, Proffered Condition 1 of Case 99SN0280 shall be amended as follows. All other conditions of Case 99SN0280 shall remain in force and effect.

Direct access to Ruffin Mill Road shall be limited to two (2) entrances/exits. The exact locations of these accesses shall be approved by the Transportation Department. (T)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- J. **14SN0587:** In Matoaca Magisterial District, **Cindy C. and Richard D. Chandler** request amendment of zoning (Case 05SN0147) relative to cash proffer, tree and dam preservation, landscaping, access and restrictive covenants and amendment of zoning district map in a Residential (R-88) District on 99.9 acres fronting 420 feet on the east line of River Road, 1575 feet south of Nash Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax ID 756-626-5439.

Mr. Taylor Goodman, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 14SN0587 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

With the approval of this request, Proffered Conditions 4 and 10 of Case 05SN0147 shall be deleted and Proffered Conditions 1, 5, 11 and 15 shall be amended as outlined below. All other conditions of Case 05SN0147 shall remain in force and effect.

The Applicant amends Proffered Condition 1 of Case 05SN0147 to read as follows:

1. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - A. For each dwelling unit beyond the first, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a certificate of occupancy for infrastructure improvements within the service district for the property; provided however that for the period through June 30, 2018, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, immediately after completion of the final inspection:
 - i. \$18,966 per dwelling unit, if paid prior to July 1, 2019. Or, if paid after June 30, 2019, and before July 1, 2020, \$18,966 per dwelling unit, adjusted for the four year cumulative change in the Marshall and Swift Building Cost Index between July 1 of the fiscal year in which the case was approved and July 1 four years later. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
 - B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt the cash shall be returned in full to the payer.
 - D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)

The Applicant amends Proffered Condition 5 of Case 05SN0147 to read as follows:

2. Street trees shall be installed along public roads other than River Road in the shaded areas generally as shown on Exhibit A approved with case 05SN0147 and shall be subject to the requirements of the Zoning Ordinance Section 19-518 (h).

In addition, an evergreen tree shall be planted within these areas generally every fifteen (15) feet and shall be a minimum of five (5) feet in height at time of planting.
(P)

The Applicant amends Proffered Condition 11 of Case 05SN0147 to read as follows:

3. Direct vehicular access from the property to River Road shall be limited to one (1) public road and one (1) private driveway. The exact location of the public road intersection onto River Road shall be approved by the Transportation Department.
(T)

The Applicant amends Proffered Condition 15 of Case 05SN0147 to read as follows:

4. At a minimum the following restrictive covenants shall be recorded in conjunction of any subdivision plat exclusive of one lot:
 - a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.
 - b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
 - c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.
 - d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.
 - e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.
 - f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent, unless approved by the Architectural Control Committee in writing.
 - g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds and trash, and generally free of any condition that would decrease the attractiveness of the property.
 - h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible

from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.

- i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.
- j. An Architectural Control Committee (herein called "Committee") originally composed of Richard Chandler and Cindy Chandler is hereby established. Any two members of the Committee may act on behalf of the Committee without holding a meeting of the full Committee or giving notice to the other members. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.
- k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony, of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.
- l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.

- m. The ground floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garages shall not be included in computing said square footage.
- n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
- o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.
- p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.
- q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.
- r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee and as otherwise provided by applicable law.
- s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.
- t. Manufactured Homes shall not be permitted. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

• **CONDITIONAL USE PLANNED DEVELOPMENT AND CONDITIONAL USE - OTHER.**

- E. **14SN0574:** In Clover Hill Magisterial District, **Verizon Wireless** requests conditional use to permit a communications tower and amendment of zoning district map in an Agricultural (A) District on .8 acre known as 8710 Hull Street Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax IDs 756-690-Parts of 3839-00001 and 3839-00002.

Mr. Robert Clay presented an overview of the case and staff's recommendation for denial. The subject property is zoned A as are the surroundings properties, which are a church, library and vacant land. The applicant proposes a 134 foot telecommunications tower with a monopole design and flush mount antennae. Access to the tower would be along Hull Street Road along the parking lot that services the church. The applicant has offered a condition that provides for a thirty (30) foot wide preservation area located to the rear of the property to minimize tower views from the northwest. This condition requires compliance with Ordinance buffer standards which include a bonding provision to ensure maintenance of the preservation area for one (1) year. Once the bond is returned, failure to maintain the property to proffered standards becomes a code enforcement action. Staff recommends that Proffered Condition 9 not be accepted as it implies the county will retain this maintenance bond indefinitely. The applicant has also proffered conditions that would require the proposed tower to meet criteria established in the telecommunications tower policy which include setbacks, structural certification, size limitations of dish antennas, screening signage, screening and flush mount array. The closest homes are approximately 550 feet from the proposed cell tower. While it does comply with the tower siting policy, staff recommends denial as it does not comply with the Plan.

Mr. Jeff Geiger, the applicant's representative does not accept staff's recommendation. Verizon has been working to find a solution to the poor cell service in the Falling Creek basin for the last six (6) years. Verizon has found a solution to bring 4G LTE service to this area and has met with Bexley and Bexley West Homeowners Association.

Verizon Wireless proposes to bring 4G LTE to this area with just one (1) slim facility using flush mount antennas. The new facility is consistent with the Rt 360 Corridor Plan. Public facilities are important to serve the changing needs of citizens and to attract new development in this area. It also meets the design goal to create a design that is visually minimal. In this area, stealthing options would create more of a visual nuisance and is out of proportion with surrounding buildings. Dr. Wallin opened the floor for public comments.

Mr. Neal Nunnally, Mr. Steve Wolenbeag, Mr. Neil Strauch, Mr. Charles Jones and Mr. Gult Patel, support the Verizon facility.

There being no one else to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Gulley relative to the proposed location of the tower, Mr. Clay responded that the new tower site is approximately 250 feet from the rear property line and the proposed new homes on the adjacent property could be approximately 300 feet from the proposed new tower. Mr. Clay went on to say this case is similar to Smoketree and the bell tower works well for that location. Mr. Clay advised that staff recommends Proffered Condition 9 not be accepted, noting Code Enforcement would enforce conditions relative to tree retention.

Mr. Geiger advised the adjacent property owner, Mr. Dick Collier, sent a letter supportive of the monopole.

Mr. Gulley stated Mr. Collier did not support the first site that Verizon proposed. The current proposed location is better and has more community support. He went on to say that it is not the government's responsibility to provide wireless coverage.

Dr. Brown stated he has seen both the Smoketree location and this one and a one hundred thirty foot (130) bell tower is out of proportion next to that particular church. Cell phone coverage is essential and can make the difference in marketing your home.

Mr. Patton stated he feels the stealth monopole is less intrusive and hopefully will blend with the surroundings and he will support the case.

Mr. Waller advised he visited the church site and the Smoketree site where a bell tower is being built. While he feels the County is not required to supply cell coverage, he supports the monopole flush mount and, with the community's support, he will support the case.

Dr. Wallin said the topography in Bexley and Bexley West demand better cell coverage. He understands Mr. Gulley's concern about fairness regarding the bell tower verses the monopole.

Mr. Geiger stated the focus of the community discussions were about the location of the tower verses the tower design. Since the county requires the cell tower design minimize the visual impacts, Verizon feels the bell tower or clock tower would draw attention to the facility, defeating the idea of blending in.

Dr. Wallin stated Verizon and Staff have the responsibility to present all of the options. He doesn't feel that citizen input was vetted appropriately.

In response to a question from Dr. Wallin, Mr. Geiger favorably responded to offer the 8 proffered conditions without the Commission's acceptance of Proffered Condition 9.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0574 with the acceptance of eight (8) proffered conditions, and not accepting Proffered Condition 9:

PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffer shall immediately be null and void and of no further force or effect.

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

3. The color, design and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - a. The tower shall not be lighted.
 - b. The tower shall be a monopole structure with flush mounted antennas.
 - c. Any satellite dish and microwave dish antennas attached to the telecommunications tower shall not exceed six (6) feet in diameter and shall be of a neutral color with no logos. (P)
4. Any building or mechanical equipment shall comply with the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment in O, C and I Districts. (P)

(NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)
5. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
6. The tower shall not exceed a height of 134 feet. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
8. A thirty (30') foot tree preservation area shall be provided along the rear property line of the Property (the "Preservation Area"). Such area shall comply with the requirements of the Zoning Ordinance for buffers less than fifty (50) feet. (P)
9. ~~A bond in an amount satisfactory to the Director of Planning shall be provided to Chesterfield County to provide for the maintenance of the Preservation Area. (P)~~

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- H. **14SN0581:** In Bermuda Magisterial District, **Brock McAllister** requests conditional use to permit a business (contractor's storage yard) incidental to a dwelling and amendment of zoning district map in a Residential (R-7) District on 6.1 acres known as 13701 Vance Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 808-648-1486.

Ms. Jane Peterson presented an overview to the Commission and staff's recommendation for denial as it does not conform to the Plan and is not compatible with existing area development. The property is a six (6) acre parcel in the Woods Edge Subdivision and is zoned (R-7) with

surrounding properties being zoned (R-7). The contractor's storage yard is in the rear of the home where he stores vehicles and other business related equipment. Storage yards are typically permitted by right in a (C-5) District. The applicant has indicated he has operated his storage yard for approximately one (1) year without the conditional use. The proffered conditions offered by the applicant would limit the use of the storage yard to the gravel area, would not expand any improvements to the property and to maintain vegetation along the property lines to provide transition to the neighbors. The proffers would be for a period of ten (10) years, be restricted to the applicant only, would not transfer with the land, no movement of equipment on Saturday and Sunday and specific hours of operation would be in place. The applicant does have one outside employee and no clients would be on the premises. Should the Commission wish to approve this request acceptance of the nine (9) proffered conditions and the imposition of one condition in the report would be appropriate.

Mr. Brock McAllister, the applicant, did not accept staff's recommendation. He stated he uses the property for equipment storage as a matter of convenience when he has to remove equipment from a job site before it is used on another site.

Dr. Wallin opened the floor for public comments.

Mr. Mike Hirschfeld does not support the case and agrees with staff's recommendation, noting noise from the equipment and the deteriorating condition of the public road resulting from the equipment.

The applicant, Mr. Brock McAllister stated he has noted the dip in the road and feels the new trash service adds to the dip as well as his equipment.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Patton stated there was a community meeting with some neighbors in attendance and they were supportive of the request. The road issue should rest with VDOT given the roads were designed to meet State standards. This is a large tract of land and is a convenience to the applicant. It is well maintained and screened with vegetation. He questioned reducing the time frame for the exception from ten (10) to five (5) years.

Mr. Waller stated all community and neighborhood meetings are important so if you have information to shape the case please attend those meetings. He suggested considering adjustments to the 6:30 a.m. start time and reducing the permit term from ten (10) years to five (5) years might be appropriate.

In response to a question from Mr. Patton relative to deferring the case, Mr. McAllister agreed to defer the case to September, 16, 2014. Mr. Patton stated that his business could continue operating as is until the September meeting.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend deferral of Case 14SN0581 to the September 16, 2014 Planning Commission meeting with the applicant's consent.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

I. (14PJ0140) CODE AMENDMENT RELATIVE TO PLANNING DEPARTMENT FEES FOR FY 2015.

Mr. Larson stated staff does not have a presentation but would be happy to answer any questions from the Commission.

Dr. Brown moved to recommend amendment of the Code of the County of Chesterfield, as amended, by amending and re-enacting Sections 17-9 of the Subdivision Ordinance and Section 19-25 of the Zoning Ordinance relating to fees. Specifically the Scenario A-1 in attachment A, with these changes. In attachment A, the column, Small Business owner labeled "yes", where that occurs the motion includes retaining the existing fees for those items.

The motion failed due to lack of a second.

Mr. Gulley stated he was influenced by the letters from the Chesterfield Chamber of Commerce and the Home Builders Association and is reluctant to support an increase in fees. The home building industry is still in recovery mode and he feels fee increases would hurt the industry so he cannot support a fee increase. Deferrals are a useful tool to help work out community issues regarding cases and he does not support the idea of increasing deferral fees.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission, on their own motion, resolved to recommend the Board of Supervisors does not make any adjustments to Planning Department fees projected to generate an additional \$300,000 in FY15 Planning Department revenue.

Mr. Patton agrees with Mr. Gulley's motion as the housing industry is struggling and increasing fees will not help.

Dr. Brown stated with regard to the impact of fees to housing starts, the fee holiday and the reduced fee structure did not result in one additional house being built in the County that would not have otherwise been constructed. Increasing the fees as suggested by staff, will not prevent homes from being built. The Board asked the Commission for the best recommended fee structure that would generate an additional \$300,000 of fee revenue and he feels staff has come up with the best way to generate the \$300,000.

Dr. Wallin feels the Commission has done a good job of considering fees and does not support the fee increase.

AYES: Messrs. Wallin, Patton, Gulley and Waller.
NAYES: Dr. Brown.

XI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

Dr. Brown left the meeting at 7:56 p.m.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Waller that the meeting adjourned at 7:57 p.m. to Tuesday, August 19, 2014 at 2:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Wallin, Patton, Gulley and Waller.

ABSENT: Dr. Brown.

Chairman/Date

Secretary/Date